

# EXHIBIT 4

1 UNITED STATES DISTRICT COURT  
 2 DISTRICT OF MASSACHUSETTS  
 3 CENTRAL DIVISION  
 4 Civil Action No. 04-40092-FDS

4 LOUIS P. ALBERGHINI, )  
 5 Plaintiff, )  
 6 VS. )  
 7 SIMONDS INDUSTRIES, INC., )  
 8 Defendant. )

9 DEPOSITION OF PATRICIA A. JEARMAN, taken  
 10 at the request of the Defendant pursuant to the  
 11 applicable provisions of the Federal Rules of  
 12 Civil Procedure before Julie A. Bates, a Notary  
 13 Public in and for the Commonwealth of  
 14 Massachusetts, on Thursday, March 10, 2005, at  
 15 the offices of Bowditch & Dewey, 311 Main Street,  
 16 Worcester, Massachusetts. Also present: Ilda  
 17 Thibodeau and Attorney David Witman.

18 A P P E A R A N C E S :

19 FOR THE PLAINTIFF:  
 20 ELLIOTT LAW OFFICE P.C.  
 21 307 Central Street  
 Gardner, MA 01440  
 (978) 632-7948  
 22 BY: MARCIA L. ELLIOTT, ESQ.

23 FOR THE DEFENDANT:  
 24 BOWDITCH & DEWEY, LLP  
 311 Main Street  
 Worcester, MA 01615  
 (508) 791-3511  
 BY: JONATHAN R. SIGEL, ESQ.

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2 P R O C E E D I N G S

3 **PATRICIA A. JEARMAN**, a witness  
 4 called to testify by counsel for the Defendant,  
 5 having been first duly sworn, was examined and  
 6 testified as follows:

7 10:37:03 EXAMINATION BY MR. SIGEL:

8 10:37:06 Q. Ms. Jearman, my name is Jonathan  
 9 Sigel, and I represent Simonds Industries,  
 10 Incorporated, regarding this litigation. And  
 11 if you could, just for the record, please,  
 12 state your full name.

13 10:37:20 A. Uh-huh (affirmative response).

14 10:37:21 **Patricia A. Jearman.**

15 10:37:24 Q. And if you could spell your name for  
 16 the record?

17 10:37:26 A. Uh-huh (affirmative response). All  
 18 of it? In entirety?

19 10:37:29 Q. How about Jearman?

20 10:37:31 A. J-E-A-R-M-A-N.

21 10:37:33 Q. And what is your address currently?

22 10:37:36 A. It's 112 Saunders Street, and that's

23 10:37:39 S-A-U-N-D-E-R-S, Street, in Gardner,

24 10:37:43 Massachusetts.

2

4

1 10:38:43 Q. And your social security number?

2 10:37:46 A. Is 222-46-4096.

3 10:37:51 Q. Date of birth?

4 10:37:52 A. Is 3/16 of 1966.

5 10:37:55 Q. And are you married?

6 10:37:56 A. Yes, I am.

7 10:37:58 Q. How long have you been married?

8 10:37:59 A. I've been married since May 14th of

9 10:38:04 2002. So almost three years.

10 10:38:05 Q. Okay. And is that your first

11 10:38:08 marriage?

12 10:38:08 A. No. It's my second marriage.

13 10:38:11 Q. When were you married before that?

14 10:38:13 A. October 14th of 1988.

15 10:38:18 Q. And how long did that marriage last?

16 10:38:22 A. It dissolved, I believe it was,

17 10:38:26 17 December 15th of 1999.

18 10:38:29 Q. And what was your name -- what was

19 10:38:31 the name of your husband?

20 10:38:32 A. Andrew J. Dupuis, D-U-P-U-I-S.

21 10:38:38 Q. So is Jearman your original name, or

22 10:38:41 22 your new married name?

23 10:38:42 A. No, it's my original maiden name.

24 10:38:43 Q. And what is your current husband's

11:24:02 1 the highlights of my job there.  
 11:24:04 2 Q. Okay. And as far as doing those  
 11:24:15 3 functions, as far as your Simonds work goes,  
 4 what would you say directly contributed to your  
 5 ability to perform your job at Spectro?  
 11:24:25 6 A. I worked with the company's salary  
 11:24:30 7 budgets at Simonds. I helped administer the  
 11:24:35 8 401K defined contribution plan. That was a  
 11:24:39 9 big, key thing. I did analysis on some of the  
 11:24:42 10 worker's comp there and was familiar with the  
 11:24:46 11 required reporting. Helping develop  
 11:24:54 12 handbooks -- oh, also another function, of  
 11:24:55 13 course, is policies and procedures within  
 11:24:58 14 Spectro.

11:24:58 15 Q. Okay.  
 11:24:59 16 A. I also helped the company at Simonds  
 11:25:03 17 help produce their employee handbooks. I  
 11:25:06 18 helped to do that. You know, mostly just the  
 11:25:09 19 clerical typing side of that. That was all  
 11:25:11 20 done by Ilda Thibodeau and, I think, counsel  
 11:25:16 21 and maybe consultants. I can't recall. It's  
 11:25:17 22 been a long time. Helping to do that was big.  
 11:25:20 23 Coordinating with locations and  
 11:25:23 24 communicating, doing -- helping with locational

46  
 11:25:27 1 communications I assisted in. That's some  
 11:25:38 2 summary. But a big part of the day was with  
 11:25:41 3 the 401K administration. That was relatively  
 11:25:45 4 time-consuming, is the paperwork of all the  
 11:25:49 5 locations because we were the corporate  
 11:25:51 6 location in Fitchburg.

11:25:52 7 Q. All right. And you worked with Ilda  
 11:25:54 8 on the 401K?

11:25:55 9 A. Uh-huh (affirmative response), yeah.

11:25:57 10 Q. At Spectro, since you began your  
 11:26:00 11 employment, have there been any layoffs?

11:26:02 12 A. Yes, there had been.

11:26:05 13 Q. Since you started there up until  
 11:26:08 14 now?

11:26:09 15 A. Yes.

11:26:12 16 Q. And as HR manager, were you involved  
 11:26:15 17 in any of those?

11:26:18 18 A. Yes.

11:26:19 19 Q. And as far as -- and were they large  
 20 layoffs?

11:26:23 21 A. I don't know what you would define  
 22 as "large".

11:26:24 23 Q. More than ten at a time?

11:26:26 24 A. Yes.

11:26:27 1 Q. Okay. More than 20, do you  
 11:26:31 2 remember?  
 11:26:36 3 A. I do not recall, but I do not think  
 11:26:39 4 at any one given time that there were ever more  
 11:26:41 5 than 20. I can't recall. I'd have to go back  
 11:26:45 6 and look.  
 11:26:46 7 Q. And were you involved in assisting  
 11:26:50 8 in any way with those layoffs?  
 11:26:52 9 A. Yes. Making some recommendations or  
 11:26:55 10 putting together information that needed to be  
 11:26:56 11 done; making sure that there wasn't any type of  
 11:26:58 12 adverse impact done; to make sure that, you  
 11:27:02 13 know, when we're looking at the force that  
 11:27:04 14 we're going to lay off, if it's, you know,  
 11:27:06 15 based upon seniority. A lot of times it was  
 11:27:09 16 mostly based upon seniority.  
 11:27:11 17 Q. Is Spectro union or non-union?  
 11:27:14 18 A. We're a non-union facility.  
 11:27:16 19 Q. Okay. And when you said making sure  
 11:27:21 20 it didn't have an adverse impact, what do you  
 11:27:23 21 mean by that?  
 11:27:23 22 A. That any particular groups -- we  
 11:27:26 23 have a very diverse work force at Spectro.  
 11:27:29 24 Q. Okay.

48  
 11:27:29 1 A. And, you know, you just want to make  
 11:27:33 2 certain that a group -- if you're just doing it  
 11:27:36 3 based upon seniority, there's not much you  
 11:27:39 4 can -- there's not much you can do. Depending  
 11:27:41 5 upon the number of people who we've had at a  
 11:27:43 6 particular time come in -- and I mean if the  
 11:27:46 7 work slows, a lot of times it was just based  
 11:27:49 8 upon seniority. But you just -- you want to  
 11:27:51 9 take a look to make sure that you're not going  
 11:27:53 10 to discriminate against any particular group.  
 11:27:56 11 Q. When you say any particular group,  
 11:27:57 12 you mean any protected group.  
 11:27:59 13 A. Any protected group, yes.  
 11:28:00 14 Q. And by that you mean --  
 11:28:02 15 A. Cultural diversity, you know, race,  
 11:28:07 16 national origin.  
 11:28:08 17 Q. How about age?  
 11:28:10 18 A. Yeah, absolutely.  
 11:28:12 19 Q. And so what would you do to make  
 11:28:14 20 sure that you didn't discriminate or in your --  
 11:28:17 21 as you were just saying have an adverse impact  
 11:28:19 22 on older employees?  
 11:28:20 23 A. You would perform an analysis. And  
 11:28:24 24 you would chart all that information -- their

11:28:27 1 age, their race, their sex -- if it became an  
 11:28:33 2 issue. If it's just based upon seniority,  
 11:28:35 3 first in and first out, it depends upon the  
 4 positions within the company. A lot of times  
 5 the reductions in force would only come from  
 11:28:42 6 the manufacturing side, which they were  
 11:28:45 7 non-exempt employees. And a lot of times  
 11:28:48 8 they -- like I said, it was someone -- based  
 11:28:51 9 upon their date of hire. If we needed to let  
 11:28:53 10 people go, we would always do the least senior  
 11:28:57 11 person and work our way.

11:28:58 12 Q. Okay. How about the exempt work  
 11:29:03 13 force, the salaried work force? Ever do any  
 11:29:06 14 layoffs with those folks?

11:29:07 15 A. Yes.

11:29:09 16 Q. And as far as reasons for layoff,  
 11:29:12 17 anything -- were there ever reasons other than  
 11:29:15 18 seniority?

11:29:20 19 A. Yes. Actually perform functions,  
 11:29:23 20 whether they were -- those particular functions  
 11:29:27 21 were no longer needed within the company,  
 11:29:37 22 whether we were going to combine jobs based  
 11:29:37 23 upon other skill sets with people maybe with  
 11:29:37 24 more seniority.

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11:29:37 1 Q. I understand. So when you were  
 11:29:39 2 eliminating positions or laying people off in  
 11:29:42 3 those circumstances, you did that analysis as  
 11:29:46 4 well to make sure the company wasn't  
 11:29:49 5 potentially at risk of discriminating?

11:29:53 6 A. I believe so. I believe so. I  
 11:29:55 7 really -- it's been a long time since we've had  
 11:29:58 8 a layoff at Spectro.

11:30:00 9 Q. When was the last time?

11:30:04 10 A. I would want to say in 2002.

11:30:09 11 Q. Okay.

11:30:09 12 A. I -- to the best of my knowledge.

11:30:12 13 Q. And --

11:30:14 14 A. And that was the only time I believe  
 11:30:16 15 that we ever laid off salaried employees. We  
 11:30:20 16 also did hourly employees and then salaried.  
 11:30:22 17 The cuts were very deep. I believe at that  
 11:30:24 18 time we were only down to 50 employees at the  
 11:30:28 19 time. And even at the time I was almost  
 11:30:32 20 recommending that they should let me go.

11:30:35 21 Q. Why?

11:30:36 22 A. Just based upon certain functions,  
 11:30:38 23 we were wondering if other people could perform  
 11:30:39 24 different job duties at the time and whether it

11:30:41 1 was really relevant.

11:30:43 2 Q. Okay. And getting back to the --  
 11:30:49 3 you said employee data that you compiled with  
 11:30:53 4 respect to those folks, those salaried folks,  
 11:30:57 5 that included information you said about  
 11:31:01 6 whether they happen to be minority or not?  
 11:31:05 7 A. I believe so. I mean, in those  
 11:31:07 8 types of jobs, our work force was so lean that  
 11:31:12 9 it really -- there's only one person that could  
 11:31:15 10 perform a particular job function just like  
 11:31:17 11 with me. I was the only person in human  
 11:31:19 12 resources. We'd only have one engineering  
 11:31:23 13 manager; we'd only have one particular person.  
 11:31:25 14 So a lot of times, either they were reduced,  
 11:31:29 15 they were totally eliminated -- sometimes  
 11:31:31 16 people couldn't even slide in -- or senior  
 11:31:33 17 management would take over those functions.

11:31:35 18 For example, if a materials manager  
 11:31:36 19 was let go, the senior vice president might  
 11:31:38 20 take over all those total responsibilities. So  
 11:31:41 21 it really wasn't a matter of someone else  
 11:31:45 22 taking -- they would just take over the  
 11:31:46 23 responsibilities of the position and no one  
 11:31:50 24 would be replaced right now. They would always

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11:31:52 1 get -- they just got absorbed.

11:31:54 2 Q. They would consolidate.

11:31:56 3 A. Yeah.

11:31:58 4 Q. And that was for economic reasons?

11:31:58 5 A. Yes.

11:32:07 6 Q. And so the information you said that  
 11:32:09 7 you -- part of what you compiled were people's  
 11:32:13 8 ages as well, right?

11:32:14 9 A. Yes.

11:32:15 10 Q. And did you see any problem in doing  
 11:32:19 11 that?

11:32:19 12 A. No, absolutely not. We want to make  
 11:32:22 13 sure that a particular group, protected group,  
 11:32:26 14 wasn't being targeted. We felt like we had a  
 11:32:29 15 responsibility to do that, to look, to make  
 11:32:36 16 sure.

11:32:37 17 Q. At Simonds who hired you?

11:32:41 18 A. At Simonds, I believe that Ilda did.

11:32:45 19 I believe that Ilda Thibodeau did, I believe.

11:32:48 20 Q. And you said you were there as a  
 11:32:51 21 temporary employee before you were a regular  
 11:32:53 22 employee?

11:32:53 23 A. That's correct.

11:32:54 24 Q. And when were you a temporary

11:51:49 1 sense and is prudent to do that kind of  
 11:51:52 2 analysis, right?  
 11:51:53 3 A. **Right. That's correct.**  
 4 Q. Did Ms. Thibodeau ever say to you  
 5 that she felt she was being forced to do  
 11:52:02 6 certain things?  
 11:52:04 7 A. **No. No.**  
 11:52:05 8 Q. Were you familiar with the company's  
 11:52:07 9 written policies on equal employment  
 11:52:11 10 opportunity in your position?  
 11:52:12 11 A. **Yes. I'm certain I read them at**  
 11:52:15 12 **times when I had signed a -- you know, gotten**  
 11:52:18 13 **my handbooks.**  
 11:52:20 14 Q. Were you aware of any policy  
 11:52:23 15 regarding non-retaliation for reporting  
 11:52:26 16 discrimination or harassment?  
 11:52:27 17 A. **At that time, I cannot say that was**  
 11:52:29 18 **something that I was completely knowledgeable**  
 11:52:39 19 **of. You know, at that time, you know, I didn't**  
 11:52:41 20 **have -- it wasn't really a part of my job nor**  
 11:52:45 21 **was it something that I really focussed and**  
 11:52:48 22 **knew a lot about that. We never really had any**  
 11:52:51 23 **type of formal training at Simonds.**  
 11:52:56 24 Q. During the time that you worked

65  
 11:54:25 1 of any Simonds policy or practice after  
 11:54:32 2 January 27th, 1996?  
 11:54:35 3 A. **No, I do not.**  
 11:54:37 4 Q. Do you have any personal knowledge  
 11:54:39 5 of any Simonds reorganization after  
 11:54:43 6 January 27th, 1996?  
 11:54:47 7 A. **Yes, I do.**  
 11:54:48 8 Q. What is that?  
 11:54:50 9 A. **I do know that Joe Sylvia, I**  
 11:54:52 10 **believe, is no longer with the company. I do**  
 11:55:00 11 **know that -- just in general terms that Simonds**  
 11:55:07 12 **has been some sort of restructuring and that a**  
 11:55:12 13 **lot of the executives that were in place are no**  
 11:55:16 14 **longer there. And I do not know who they are.**  
 11:55:18 15 Q. Okay.  
 11:55:20 16 A. **I do know that Ilda's job title's**  
 11:55:25 17 **changed. She's the director of human**  
 11:55:27 18 **resources. I know that based upon some general**  
 11:55:30 19 **conversations that I've had with some former**  
 11:55:33 20 **colleagues of mine. We would get together -- I**  
 11:55:35 21 **haven't done -- I haven't gone -- we have like**  
 11:55:37 22 **a little dinner or get-together every once in**  
 11:55:40 23 **awhile, former employees. We talk about our**  
 11:55:43 24 **personal lives, but we'll talk in general terms**

66  
 11:55:43 1 there, were you aware that there were laws that  
 11:55:47 2 prohibited discrimination on certain bases?  
 11:55:51 3 A. **Yes.**  
 11:55:54 4 Q. And were you also aware that there  
 11:55:57 5 were laws prohibiting a company retaliating  
 11:55:60 6 against someone for reporting discrimination?  
 11:55:63 7 A. **At that time, no, I was not aware of**  
 11:55:66 8 **protection against retaliation.**  
 11:55:69 9 Q. Were you aware of the company's  
 11:55:72 10 policy on reporting -- a policy and procedure  
 11:55:75 11 for an employee reporting complaints?  
 11:55:78 12 MS. ELLIOTT: Objection.  
 11:55:81 13 A. **Yes, I was. I knew who I should be**  
 11:55:84 14 **going to. Or at least there was -- who we were**  
 11:55:87 15 **supposed to go to was our supervisor or to the**  
 11:55:90 16 **locational HR manager at the time.**  
 11:55:93 17 Q. Okay. So who would that have been?  
 11:55:96 18 A. **Either my supervisor, Ilda**  
 11:56:00 19 **Thibodeau, or Jim Carnivale.**  
 11:56:03 20 Q. Okay. And would you say that you  
 11:56:06 21 were familiar with that throughout your  
 11:56:09 22 employment at Simonds?  
 11:56:12 23 A. **Yes. Yes, I would say so.**  
 11:56:15 24 Q. Do you have any personal knowledge

68  
 11:55:44 1 **about, you know, what's happening, et cetera,**  
 11:55:47 2 **with -- at Simonds. Just very, very general**  
 11:55:51 3 **terms.**  
 11:55:54 4 Q. Okay. So you've heard about these  
 11:55:57 5 things happening, right?  
 11:55:60 6 A. **That's correct.**  
 11:55:63 7 Q. And when I say personal knowledge, I  
 11:55:66 8 mean have you been involved or observed these  
 11:55:69 9 things happening?  
 11:55:72 10 A. **No, I have not.**  
 11:55:75 11 Q. Same question with respect to any  
 11:55:78 12 reductions in force since you left the company.  
 11:55:81 13 A. **I know nothing about them besides,**  
 11:55:84 14 **you know, like I said, Lou telling me that he**  
 11:55:87 15 **was laid off -- I have to take that back. I**  
 11:55:90 16 **have heard that there had been some other staff**  
 11:55:93 17 **leaving the company, too, and I don't know the**  
 11:55:96 18 **extent of their leaving the company.**  
 11:56:00 19 **I know like a Ralph Whitcomb who I**  
 11:56:03 20 **knew of, an accounting manager there, I don't**  
 11:56:06 21 **believe he's with the company any longer. And**  
 11:56:09 22 **I know that Steve Harvey is no longer with the**  
 11:56:12 23 **company, he's in a -- he's doing his own CPA**  
 11:56:15 24 **company. And a couple other people are no**

2:10:28 1 A. In the workplace -- and there are  
 2 other people who have knowledge of it but  
 3 probably won't come forward because they are  
 4 probably afraid. He would stick his fingers in  
 5 my ear; he would tousle my hair; and one time  
 6 he asked me to stand up because I was wearing a  
 7 pair of shorts and they told me that the front  
 8 row said I looked good in shorts and he wanted  
 9 to see me standing up.

2:10:56 10 Q. And it's your sworn testimony that  
 2:10:58 11 that was Attorney Witman who did that?

2:11:00 12 A. That is absolutely correct.

2:11:01 13 Q. And when was that?

2:11:03 14 A. I can't recall the specific time,  
 2:11:04 15 but I complained about it on several occasions.  
 2:11:06 16 And it was kind of a joke in our department  
 2:11:09 17 whenever counsel would walk by, that people  
 2:11:12 18 would cover their ears.

2:11:13 19 Q. And who did you complain to?

2:11:14 20 A. I complained to Ilda Thibodeau and I  
 2:11:17 21 complained to Jim Carnivale about it.

2:11:19 22 Q. And were you ever retaliated against  
 2:11:22 23 for complaining?

2:11:24 24 A. No, I wasn't.

81 12:12:20 1 particularly -- they had been good to me  
 12:12:29 2 financially, I would say. But I always thought  
 12:12:29 3 that my merit increases were based upon my  
 12:12:33 4 performance and my work there.

12:12:39 5 But it wasn't until I made indirect  
 12:12:43 6 comments about threatening -- when my husband  
 12:12:47 7 learned of all these -- I didn't want to tell  
 12:12:48 8 my husband about what was going on at work.  
 12:12:53 9 When I finally told him about the last thing  
 12:12:56 10 that happened, to ask to be stood up, to stand  
 12:12:59 11 up, my husband -- my ex-husband at that time  
 12:13:02 12 was a police officer, and he was very upset to  
 12:13:07 13 learn about it. And he told me if he doesn't  
 12:13:11 14 stop doing it, that he'll go and make sure that  
 12:13:14 15 he doesn't do it anymore. And he asked me to  
 12:13:17 16 spread that word. But I was also afraid  
 12:13:20 17 because he's counsel for the company. He held  
 12:13:22 18 a very prestigious position within that  
 12:13:25 19 company.

12:13:26 20 Q. And you're still angry about that  
 12:13:28 21 today; is that correct?

12:13:29 22 A. I'm upset about the company not  
 12:13:35 23 taking any -- or not responding to my  
 12:13:41 24 complaints like they should have.

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11:23 1 Q. And what, if anything -- strike  
 11:27 2 that. And how did they respond when you  
 11:29 3 complained?

11:29 4 A. Nothing was done after the first and  
 11:32 5 second and third time I complained.

11:35 6 Q. And when was that?

11:38 7 A. I cannot recall. It was before I  
 11:41 8 left. It was not directly -- it was one of the  
 11:47 9 main reasons -- it was one of several reasons  
 11:47 10 why I decided to leave the company.

11:47 11 Q. How long did you remain at the  
 11:49 12 company after that happened?

11:50 13 A. It probably took me about a year and  
 11:52 14 a half to find a job.

11:53 15 Q. So you remained at the company for  
 11:56 16 one and a half years after you claim --

11:58 17 A. Approximately. If I had to put a  
 11:59 18 time line on it. To the best of my  
 12:02 19 recollection, I believe so. It's very  
 20 difficult to find a job. It was a tough time,  
 21 1 it's hard. And I was looking for the right  
 22 job, the right pay, the right -- there was  
 23 nowhere for me even to go at Simonds. I knew  
 24 that, you know, and it was company that I

12:13:44 1 Q. Getting back to my question about  
 12:13:50 2 your belief that they had a practice of laying  
 12:13:53 3 off older employees and replacing them with  
 12:13:56 4 younger employees, you talked about the age  
 12:13:59 5 information you were asked to compile, right?

12:14:01 6 A. Uh-huh (affirmative response),  
 12:14:02 7 that's correct.

12:14:02 8 Q. And you've also compiled that age  
 12:14:06 9 information at Spectro, haven't you? You  
 12:14:08 10 testified to that earlier?

12:14:10 11 MS. ELLIOTT: Objection. You can  
 12:14:10 12 answer.

12:14:11 13 A. I believe -- I believe I have. I  
 12:14:13 14 don't want to misspeak. I believe I have.

12:14:17 15 Q. We can go back and look at your  
 12:14:19 16 testimony.

12:14:19 17 A. Yeah, no, I -- I know I at least did  
 12:14:23 18 one during my time at Spectro. I did one  
 12:14:27 19 adverse impact analysis.

12:14:29 20 Q. Okay.

12:14:30 21 A. I believe.

12:14:31 22 Q. And you compiled age information  
 12:14:33 23 about employees, right?

12:14:34 24 MS. ELLIOTT: Objection.

12:14:35 1 MR. SIGEL: What's your objection?  
 12:14:37 2 A. **It wasn't specific --**  
 12:14:38 3 MR. SIGEL: Excuse me, wait a  
 4 second.  
 5 MS. ELLIOTT: My objection is that  
 12:14:41 6 you're putting words in her mouth. That isn't  
 12:14:43 7 what she said. She said she compiled a list  
 12:14:46 8 based upon many things, not just age. She gave  
 12:14:48 9 a list of things.  
 10 MR. SIGEL: My question was not only  
 12:14:51 11 based on age. That wasn't my question. Let's  
 12:14:53 12 go back and look at it.  
 13 MS. ELLIOTT: I think it was.  
 14 MR. SIGEL: No, it wasn't. And I'll  
 12:14:56 15 ask it again.  
 16 MS. ELLIOTT: Okay.  
 17 Q. Your testimony was that you compiled  
 18 information including age information about  
 19 employees at Spectro; is that correct?  
 20 A. **Not specific to age.**  
 21 Q. All right. I didn't ask that. My  
 22 question was, you compiled employee information  
 23 as part of a layoff -- at least one you've done  
 24 at Spectro -- that included employee age

12:16:34 1 the layoff is not having any kind of  
 12:16:38 2 discriminatory impact? Is that my  
 12:16:40 3 understanding?  
 12:16:40 4 A. **Yes.**  
 12:16:41 5 Q. So then what was it about your doing  
 12:16:45 6 that for Simonds that you would distinguish  
 12:16:48 7 from what you've done at Spectro, if anything?  
 12:16:51 8 A. **I was only asked to provide specific**  
 12:16:57 9 **information regarding their name and their age**  
 12:16:58 10 **when I have other information that would have**  
 12:17:01 11 **been relative. And when you're doing a riff**  
 12:17:05 12 **(phonetic spelling), to be prudent you need**  
 12:17:08 13 **other additional information which our**  
 12:17:09 14 **department would have only been able to**  
 12:17:11 15 **provide.**  
 12:17:12 16 Q. Do you know that that information  
 12:17:14 17 wasn't considered?  
 12:17:16 18 A. **No, I do not. But I do believe -- I**  
 12:17:19 19 **do believe that I was only one of several**  
 12:17:21 20 **people who had the computer skills and the**  
 12:17:25 21 **databases at the time to really compile and**  
 12:17:27 22 **access that information and had the ability to**  
 12:17:30 23 **do that.**  
 12:17:30 24 Q. You were one of several people who

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 2:15:21 1 information; is that correct?  
 2:15:23 2 A. **That included, yes, that is correct.**  
 2:15:24 3 Q. Okay. Was that improper?  
 2:15:27 4 A. **No, it was not improper. It's**  
 2:15:30 5 **necessary.**  
 6 Q. Okay. You did the same thing at  
 2:15:33 7 Simonds at least with respect to your  
 2:15:37 8 involvement with respect to employee ages and  
 2:15:39 9 relation to layoffs --  
 10 MS. ELLIOTT: Objection.  
 11 Q. -- correct? You can answer the  
 12 question.  
 13 A. **I only recall being asked to provide**  
 14 **name and age, just those specific statistics.**  
 15 Q. I understand. But you've testified  
 16 that it's a prudent thing to do to compile --  
 17 A. **It's --**  
 18 Q. -- let me finish my question  
 16:12 19 please -- to compile various employee data,  
 20 including age, you said minority status, I  
 1 believe --  
 22 A. **Yes.**  
 23 Q. -- to make sure that -- or help make  
 24 sure that the company is not having -- or that

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 12:17:31 1 could do that.  
 12:17:34 2 A. **That is correct.**  
 12:17:37 3 Q. So is it your testimony that your  
 12:17:41 4 belief regarding -- that there was something  
 12:17:47 5 inappropriate about compiling that age  
 12:17:48 6 information at Simonds was inappropriate  
 12:17:53 7 because you think that's the only information  
 12:17:57 8 that was looked at?  
 12:17:59 9 A. **Yes.**  
 12:18:00 10 Q. Wouldn't it be prudent for Simonds  
 12:18:03 11 to look at that information the same way you  
 12:18:05 12 have at Spectro to make sure -- or at least  
 12:18:09 13 have an understanding of how many older  
 12:18:14 14 employees would be affected by a layoff?  
 12:18:17 15 MS. ELLIOTT: Objection.  
 12:18:18 16 A. **Yes.**  
 12:18:37 17 Q. When you were preparing that  
 12:18:44 18 information at Simonds which included  
 12:18:44 19 employees' ages, did Ms. Thibodeau or anyone  
 12:18:47 20 else explain to you why that was being done?  
 12:18:50 21 A. **No. I believe -- if I can make an**  
 12:18:55 22 **assumption, I believe that I was told that**  
 12:18:56 23 **there was going to be a layoff.**  
 12:18:59 24 Q. Okay.